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Paper No. 6

Office of Counsel
Naval Undersea Warfare Center
Division, Newport
1176 Howell Street, Bldg. 112T
Newport, RI 02841-1708

In re Application of
C. Ray Dutton, et al.
Application No. 09/780,367
Filed: February 13, 2001
Attorney Docket No. 79476

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed January 23, 2004, under 37 CFR 1.137(a), which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

A Notice to File Corrected Papers was mailed to applicant on March 19, 2001, setting a two-month period within which to submit a reply. Since no reply was received, the application became abandoned on May 20, 2001. However, petitioner has provided a copy of the reply, which was mailed via certificate of mailing on April 16, 2001. In view of the certificate of mailing, petitioner did in fact file a reply timely. Accordingly, the application was improperly abandoned.

The unavoidable petition fee of \$55 has **not** been charged to petitioner's deposit account as authorized.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

Marianne E. Morgan
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for Examination Policy